

Planning Commission Date: February 28, 2007

Item No. **3.**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Momo Ishijima

Public Hearing: Yes: X No:

Notices Mailed On: 2/16/07

Published On: 2/15/07

Posted On: 2/16/07

TITLE: MINOR TENTATIVE MAP NO. MI2006-5

Proposal: A request for a minor tentative parcel map to convert one industrial building to two condominium ownership units.

Location: 500 Yosemite Drive and 691 South Milpitas Boulevard

APN: 086 42 012, -013, and -027

RECOMMENDATION: Approve with Conditions

Applicant: Robert W. Kraiss, Adaptec, Inc., 691 South Milpitas Boulevard, Milpitas, CA 95035

Property Owner: Adaptec, Inc., 691 South Milpitas Boulevard, Milpitas, CA 95035

Previous Action(s): "S" Zone Approval, Lot Combination No. 2043

Environmental Info: The proposed project is categorically exempt per Section 15301 [Existing Facilities, Class 1(k)] of the California Environmental Quality Act (CEQA) Guidelines.

General Plan Designation: Manufacturing & Warehousing

Present Zoning: M2-S, Heavy Industrial with an "S" Zone Overlay

Existing Land Use: R&D / Office use

Agenda Sent To: Applicant and owner as noted above

Attachments: Tentative Parcel Map, Lot Combination No. 2043

PJ#: 2472

BACKGROUND

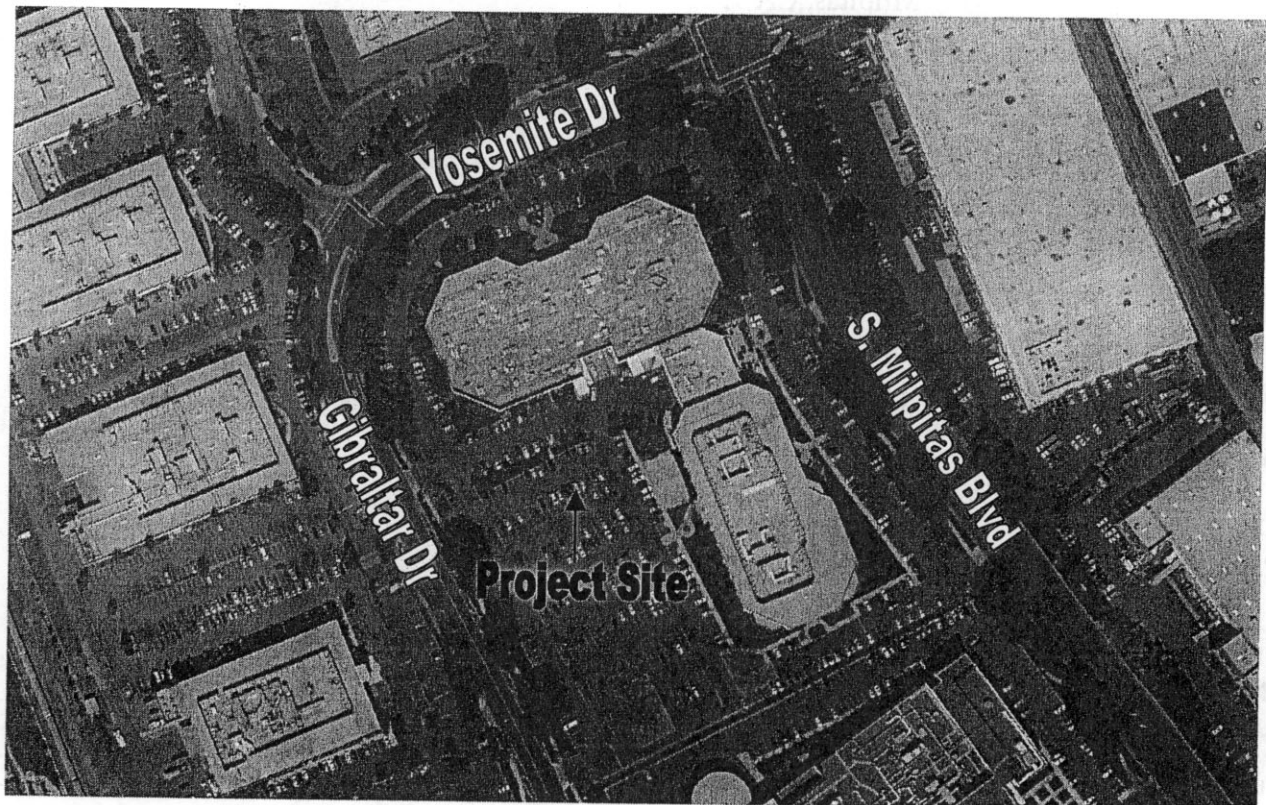
The Planning Commission approved an "S" Zone (site and architectural approval) application on July 15, 1982, for the construction of a 74,430 square foot building at 500 Yosemite Drive.

Subsequently, the Planning Commission approved an "S" Zone application on December 13, 1995, for the construction of a 103,000 square foot building. This approval included the construction of a cafeteria connecting the new building to the existing building at 500 Yosemite Drive. The conditions of approval for this project required that the developer record a Lot Combination document prior to the issuance of a building permit. City of Milpitas Certificate of Approval of Declaration of Lot Combination No. 2043 was recorded with Santa Clara County on January 2, 1996.

Subsequent approvals have included "S" Zone Approval Amendments for site and building signage.

Site Description

The project site, approximately 11.68 acres, is located on the southwest corner of South Milpitas Boulevard and Yosemite Drive. The research & development/office building located at the project site has a north wing and a south wing connected by an approximately 8,000 square foot cafeteria area. The north wing is approximately 74,430 square feet and the south wing is two stories with approximately 104,000 square feet of floor area including the cafeteria. The project site can be accessed from private driveways off South Milpitas Boulevard, Yosemite Drive and Gibraltar Drive. The project site is surrounded by other industrial buildings and uses such as Solectron to the west, across Gibraltar Drive, Splendor Lighting to the east, across South Milpitas Boulevard and Lifescan to the south.



THE APPLICATION

This Minor Tentative Parcel Map application is submitted pursuant to Title XI, Chapter 1 (Subdivision), Section 4.00 (Tentative Maps) of the Milpitas Municipal Code. The applicant is requesting a minor tentative parcel map for condominium ownership purposes for an existing industrial building. As shown on the tentative parcel map, the interior space of the building is proposed to be divided into two (2) units (north and south). The size of the two units are proposed to be 74,430 square feet and 104,000 square feet respectively. No exterior site or building improvements/modifications are proposed with this application.

Conformance with the General Plan

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.

Implementing Policy 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

Comment: The conversion of industrial buildings to condominium type ownership allows for the property owner to maximize usage of the land and provides other businesses an opportunity to develop and expand.

Conformance with the Zoning Ordinance

The proposed project is located in the Heavy Industrial with "S" Zone overlay (M2-S) zoning district. The proposed tentative parcel map for condominium type ownership purposes is in conformance with the land use and development standards for the M2-S zoning district. Any future land uses would be subject to the permitted and conditional uses allowed in the M2-S zoning district.

The original development was approved in 1982 and the addition was approved in 1995. The project site was built in conformance with the standards of the M2-S zoning district current at the time of approval. This minor tentative parcel map application does not propose any new exterior site or building modifications or modifications to the existing lot lines. This minor tentative parcel map application only affects the interior space of the building by partitioning the existing building. Each unit will have its own entrance. All units will share the parking, driveways, site access and other site amenities, which will be maintained by a property owner association and recorded as common area.

ISSUES

Parking

There are a total of 682 parking spaces provided at the project site of which 19% (133 parking spaces) are compact spaces. The Milpitas Municipal Code allows for 40% compact spaces in the industrial zoning district. The existing parking spaces will be shared by the two condominium units and specified as such as part of the property owner's association agreement. The table below demonstrates the parking requirement for each unit.

Table 1. Parking Analysis

Unit – Use	Size	Parking Ratio	Parking Requirement
Unit A – Office	93,947 sq. ft.	1 space per 350 sq. ft.	268 parking spaces
Unit A – R&D	2,053 sq. ft.	1 space per 300 sq. ft.	7 parking spaces
Unit A – Cafeteria	8,000 sq. ft.	1 space per 350 sq. ft.	23 parking spaces
Unit B – Office	59,813 sq. ft.	1 space per 350 sq. ft.	171 parking spaces
Unit B – R&D	14,617 sq. ft.	1 space per 300 sq. ft.	48 parking spaces
Total			517 parking spaces

There are 165 parking spaces in excess of the current parking requirement. Any future uses will be subject to the parking standards outlined in the Milpitas Municipal Code.

Trash Enclosure

Milpitas Municipal Code Section XI-10-30.05-6 requires that “outdoor storage for such things as trash and materials shall be permitted only when said storage areas are suitably screened with a solid wall or tight board fence, and shall not be located within any front or street side setback or yard.” The two condominium units will share the existing trash enclosure. *Staff recommends* the applicant construct a new trash enclosure or expand the existing enclosure to accommodate the required number of bins. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to the sanitary sewer line. (Special Condition #10)

Conformance with the State Subdivision Map Act & Subdivision Ordinance

The State Subdivision Map Act defers to location ordinance with respect to the approval of a tentative parcel map. The City's Subdivision Ordinance requires design and improvement consistent with the General Plan. As previously stated in the Conformance in the General Plan section, the proposed tentative parcel map is in conformance with the General Plan.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301, Class 1(k) (“Existing Facilities”, Subdivision of existing industrial buildings, where no physical changes occur which are not otherwise exempt) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Minor Tentative Parcel Map No. MI2006-5 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. ("Existing Facilities", Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.)
2. The proposed project is consistent with the City of Milpitas General Plan policies because the conversion of industrial buildings to condominium type ownership allows for the property owner to maximize usage of the land and provides other businesses an opportunity to develop and expand.
3. The proposed project is consistent with the City of Milpitas Zoning Ordinance because the applicant is proposing to subdivide an existing industrial building to condominium type ownership with no changes to the site or building. The project site remains in compliance with the development standards and uses of the M2-S zoning district.
4. The proposed project is consistent with the State Subdivision Map Act and the Subdivision Ordinance in that it conforms to the local ordinance and the Milpitas General Plan.

SPECIAL CONDITIONS

1. This Minor Tentative Map No. MI2006-5 approval is for a minor tentative parcel map for condominium ownership purposes for an existing industrial building into two (2) units within the building as shown on the tentative parcel map, dated December 7, 2006 (revised February 2, 2007), and as amended by these conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. If, at the time of submittal for Parcel Map approval, there is a project job account balance due to the City for recovery of review fees, review of parcel map will not be initiated until the balance is paid in full. (P)
4. Prior to parcel map approval, the developer shall establish a property-owner association. The property-owner association shall be responsible for the maintenance of all common private facilities including but not limited to, access, private utilities (drainage, sewer, water), landscaping, pavement, trash enclosures, walls, private lightings, and any other common area facilities and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)

5. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
6. Prior to parcel map recordation, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
7. The parcel map shall be recorded prior to issuance of any building permit. (E)
8. Prior to parcel map recordation, the developer shall obtain design approval and bond for all necessary public improvements along S. Milpitas Boulevard, Yosemite Drive and Gibraltar Drive frontage including but not limited to removal and replacement of the damaged curb, gutter, and sidewalk, the existing wheelchair ramps should be per ADA standard or must be removed and reconstructed to the ADA and City approved standards. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. (E)
9. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800)794-2482. For general information, contact the City of Milpitas at (408)586-3329. (E)
10. Prior to occupancy permit issuance, the applicant/property owner shall construct a new trash enclosure or expand the existing enclosures to accommodate the required number of bins. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (P)(E)
11. Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service

to the level determined by the evaluation. For general information, contact BFI at (408)432-1234. (E)

12. It is the responsibility of the developer to obtain any necessary approvals or encroachment permits from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
13. Prior to parcel map recordation, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% permit automation fee. (E)
14. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
15. The developer shall call Underground Service Alert (U.S.A.) at (800)642-2444, 48 hours prior to construction for location of utilities. (E)
16. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". (E)
17. Make changes as noted on Engineering Services Exhibit "T" (dated 2/13/2007) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)

Planning Division = (P)

Engineering Division = (E)

1996001

FILED FOR RECORD
AT REQUEST OF
City of Milpitas

For County Recorder's Office use only

Recording requested by:

City of Milpitas

When recorded mail to:

City of Milpitas**City Engineer's Office****455 E. Calaveras Blvd.****Milpitas, Ca 95035**Record without fee under Section
6103-Government Code, State of
California

96 JAN -2 PM 2:31

OFFICIAL RECORDS
SANTA CLARA COUNTY
BRENDA DAVIS
RECORDER

No fee

CITY OF MILPITAS
CERTIFICATE OF APPROVAL
OF
DECLARATION OF LOT COMBINATION
NO. 2043

RECEIVED

JAN 29 1996

CITY OF MILPITAS
ENGINEERING DIVISION

This is to certify that the attached Declaration of Lot Combination by Adaptec Inc., dated 11-22-95 is approved on behalf of the City of Milpitas pursuant to authority conferred by Ordinance No. 18.25 of the City of Milpitas adopted on August 6, 1991 and the Declarant consents to recordation thereof by its duly authorize officer.

CITY OF MILPITAS
A Municipal Corporation

Recommended for approval by:

Dated: 11/29/95

David M. McNeely
David M. McNeely
City Engineer

Dated: 12/29/95

Felix Rehford
Felix Rehford
Principal Planner

Approved by:

Dated: 12/4/95

[Signature]
Community Development Director

1996001

RECEIVED

NOV 22 1995

CITY OF MILPITAS
COMMUNITY DEVELOPMENT

P/C # 69376

DECLARATION OF LOT COMBINATION

Adaptec Inc., a California Corporation ("Declarant") hereby declares as follows:

1. Declarant is the owner of certain real property (the "property") located in the City of Milpitas, Santa Clara County, California, consisting of shown parcels, as described on Exhibit "A" hereto;

2. Declarant intends, and hereby declares, that all of said parcels are hereby combined into said Parcel A for all purposes of the Subdivision Map Act (California Government Code Section 66410 et seq.), and any future subdivision, as that term is used in the Subdivision Map Act, of combined Parcel A shall require compliance with the requirements of that Act;

3. This Declaration shall run with the property and be binding upon all persons who may acquire any interest therein;

4. The provisions of this Declaration are for the benefit of the City of Milpitas and declarant, and may be enforced by the City of Milpitas;

5. This Declaration shall automatically expire, and be of no further force and effect, as to any portion of the property that is subdivided by a subdivision or parcel map recorded after the date of this Declaration.

Dated: 11/22/95

Declarant:

Adaptec Inc.

A California Corporation

By: Dan Bowman

Print name:

Title: Corp. Vice President

By: Chloe Affear

Print name:

Title: Corp. Vice President
& Treasurer

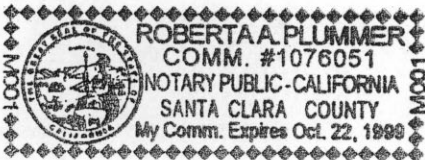
(Attach notary acknowledgment)

1996001

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CaliforniaCounty of Santa ClaraOn Nov. 22, 1995 before me, Robert A. Plummer, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Don Bowman
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Robert A. Plummer
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☒ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

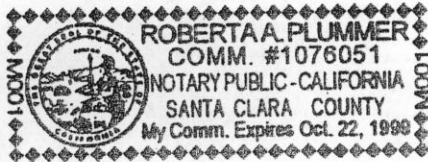
Signer Is Representing: _____

1996001

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CaliforniaCounty of Santa ClaraOn Nov. 22 1995 before me, Roberta A. Plummer, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")personally appeared Chris O'Meara
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Roberta A. Plummer
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

 RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

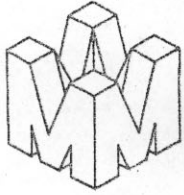
Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

 RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

1996001



MISSION ENGINEERS, INC.

Responsive, Reliable Results Since 1953

Planning
Civil Engineering
Land Surveying11-14-95
95550

**LEGAL DESCRIPTION FOR
LOT COMBINATION
MILPITAS, CALIF.**

Before Lot Combination:

- *Parcel 1 as shown on Parcel Map 513 Page 36
- *Parcel 1 as shown on Parcel Map 634 Pages 26 & 27

After Lot Combination:

PARCEL A

All that certain real property located in the City of Milpitas, County of Santa Clara, State of California, described as follows:

All of PARCEL 1 as shown on PARCEL MAP filed on June 9, 1983 in Book 513 of Maps at Page 36 Santa Clara County Records together with all of PARCEL 1 as shown on PARCEL MAP filed on February 24, 1992 in Book 634 of Maps at Pages 26 and 27 Santa Clara County Records,

And containing 11.675 acres, more or less.

**EXHIBIT "A"**

Page 1 of 2

A:\C:\proj\95550\10-75-1

SCALE: 1"=150'

GIBALTAR DRIVE

YOSEMITE DRIVE

SOUTH MILPITAS BLVD.

AMES AVE

PARCEL 1
513 M 36

PARCEL 1
634 M 26 & 27

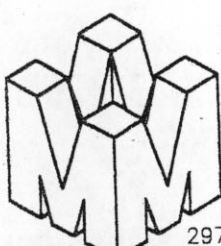
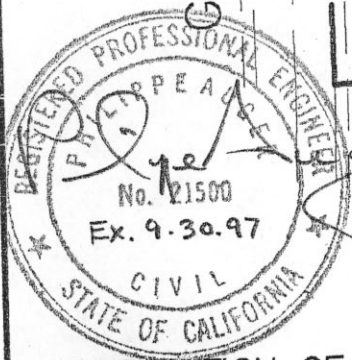
PARCEL

PARCEL 2, 634 M 26 & 27

PLAT OF DESCRIPTION FOR LOT COMBINATION

COMBINATION OF PARCEL 1 OF 1513 M 36 AND PARCEL 1 OF 634 M 26,27
IN THE CITY OF MILPITAS, CALIF.

EXHIBIT "A"
PAGE 2 OF 2

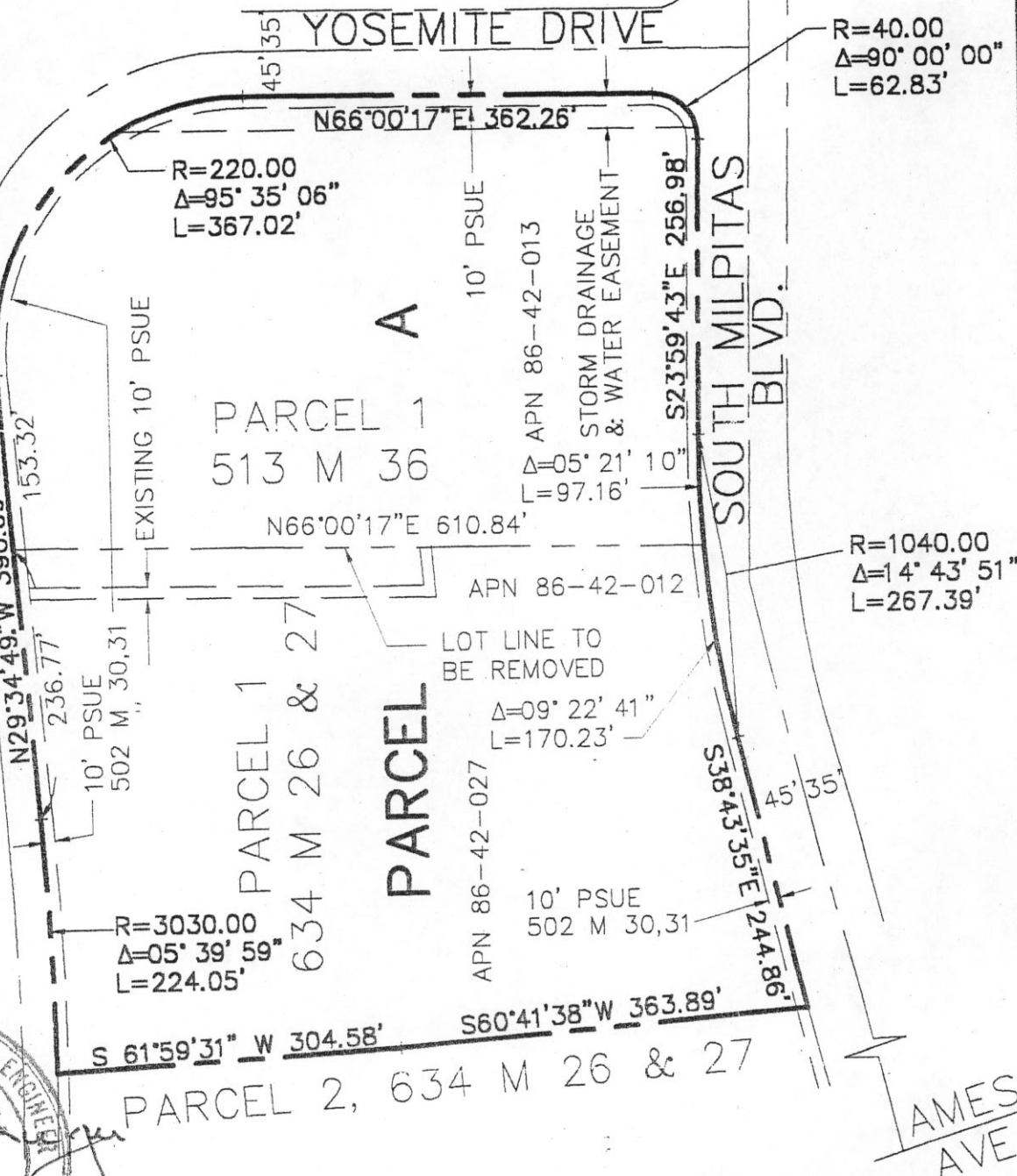


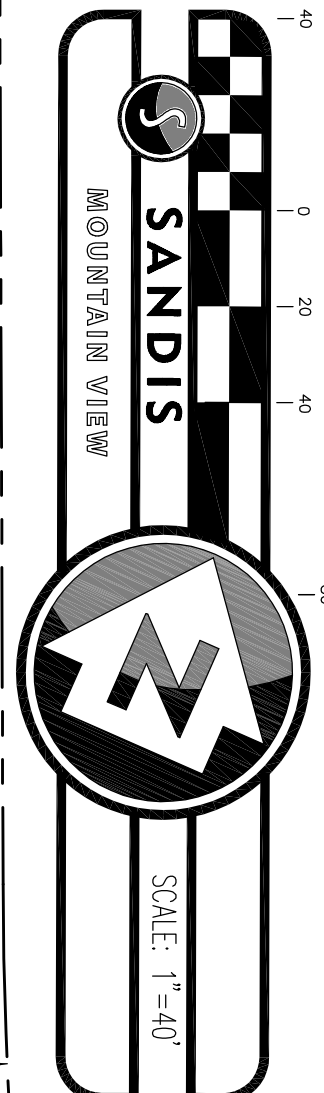
MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953
2978 Scott Blvd., Santa Clara, Calif 95054 (408) 727-8262 FAX: (408) 727-8285

SCALE:	1"=150'
DATE	11-14-95
DWN	SS
CH'KD	
JOB NO.	95550
DWG. NO.	S10623

Plot date: 11/14/95 at 12:53



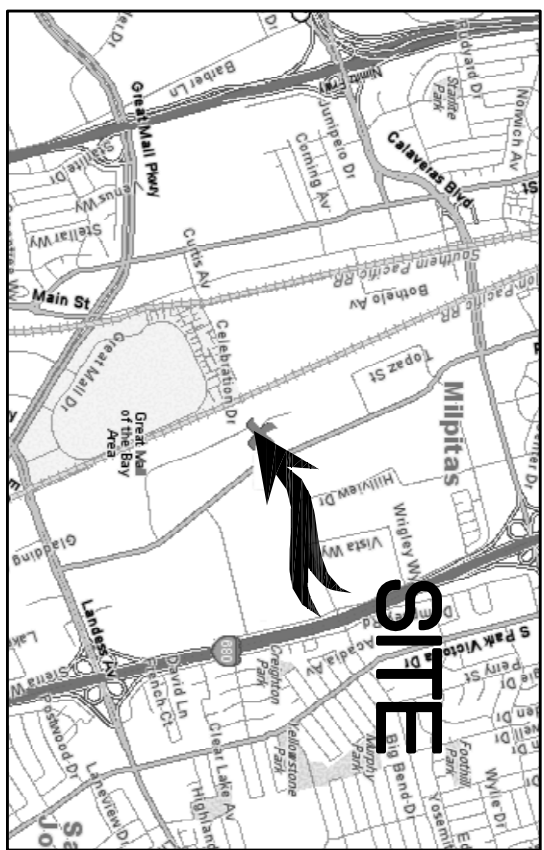


SOUTH MILPTAS BOULEVARD
(RIGHT-OF-WAY 80')

SOUTH MILPTAS BOULEVARD
(RIGHT-OF-WAY 80')

NOTES AND LEGEND
ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

BUILDING LINE
BUILDING OVERHANG
CHALKLINE FENCE
CURB LINE
UP OF GUTTER LINE
SANITARY SEWER
STORM DRAIN
CABLE TELEVISION LINES
PUE GAS LINE
REC'D GAS LINE
WATER TO CONCRETE
AREA DRAIN
AIR RELEASE VALVE
BUILDING CORNER
BOX FLOW PRECIPITATOR
CABLE TELEVISION BOX
CENTRALINE FENCE
CONCRETE
EDGE OF PAVEMENT
ELECTROLIER
ELECTRIC VALVE
ELECTRICITY BOX
FINISH FLOOR
FIRE HYDRANT
FIRE SERVICE
FLOWLINE
FOUND STANDARD CITY MONUMENT
GAS VALVE
GRADE BREAK
GROUND
HANDICAP RAMP
MISC. PULL BOX



CAFE

BUILDING 7
691 S. MILPTAS BLVD.
BUILDING HEIGHT 30.0'

PROPOSED
UNIT A
AREA = 104,000± SQ. FT.

PARCEL 1
634-M-27

PROPOSED
UNIT B
AREA = 74,609± SQ. FT.

PARCEL 1
613-M-36

BUILDING 4
500 YOSEMITE DR.
BUILDING HEIGHT 23.9'

PARCEL 2
634-M-27

PROPERTY INFORMATION

EXISTING:
PARCEL A PER
INST. # 1314770
508,581± SQ. FT.
11,666± AC.

OWNER/SUBOWNER
ADAPTEC INC.
SUITE 25
MILPITAS, CA 95035

PROPOSED:

CONDOMINIUM PARCELS:
1
2
UNIT A
104,000± SQ. FT.
UNIT B
74,609± SQ. FT.

EXISTING USE:
OFFICE BUILDING

CONDOMINIUM OFFICE BUILDINGS

SANITARY SEWER: CITY OF MILPITAS
GAS AND ELECTRIC: PG&E
TELEPHONE: SBC/AT&T
CABLE TV: COMCAST

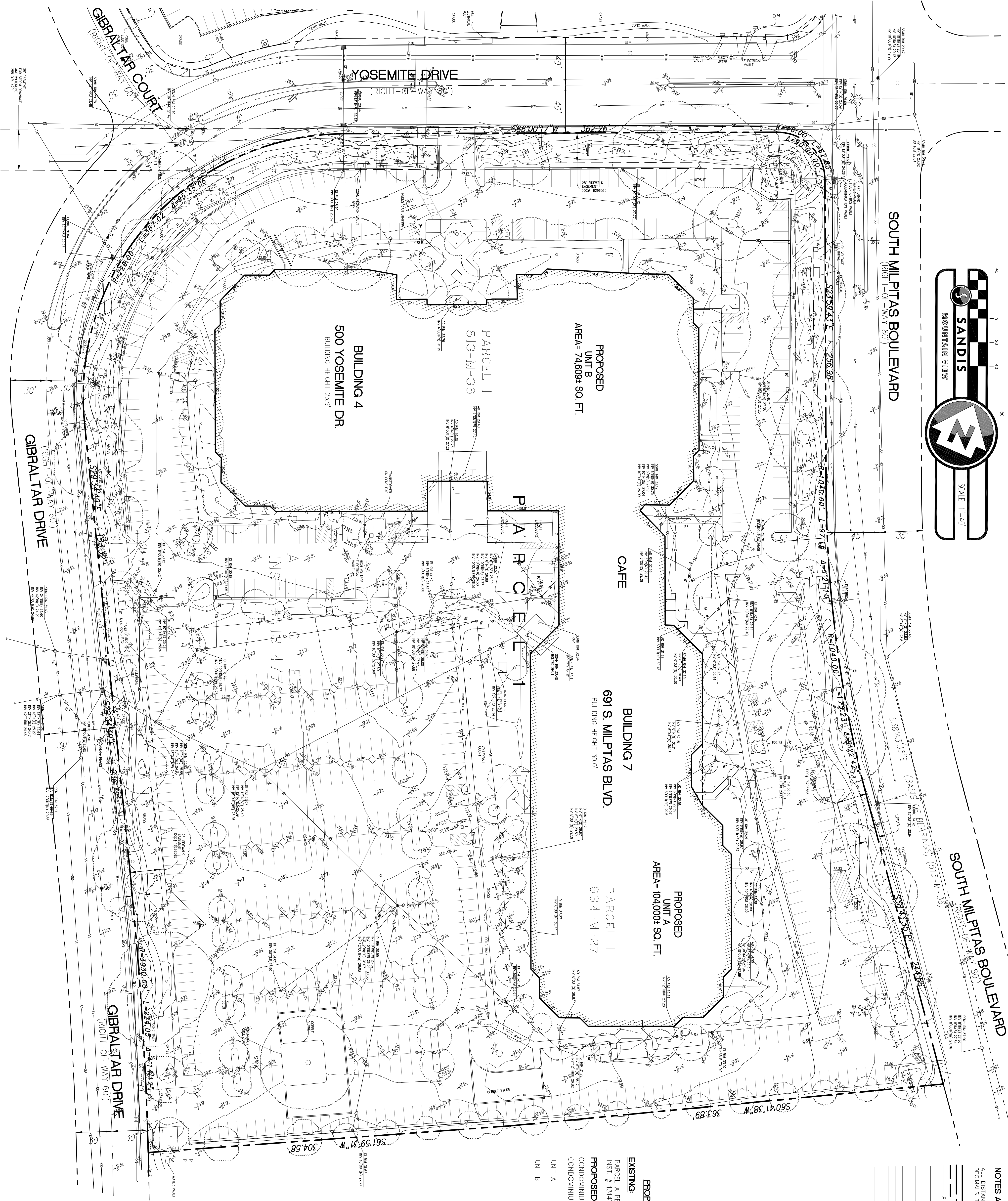
SERVICES:

TITLE REPORT:

FIRST AMERICAN TITLE INSURANCE COMPANY
ORDER NUMBER: NCS-234236-SC
DATED: MAY 12, 2006

VERTICAL DATUM:

MIL-YOS, A BRASS DISK IN A MONUMENT WELL AT THE
INTERSECTION OF NORTH MILPITAS BOULEVARD AND
YOSEMITE DRIVE. ELEVATION=28.939'



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MOUNTAIN VIEW

ROSEVILLE

OAKLAND

DATE: 12/07/06
SCALE: 1"=40'
DRAWN BY: PGD
APPROVED BY: LJC
DRAWING NO.: 206278

No.	REVISION	DATE	BY
1	CONDOMINIUM REVISIONS	1/31/07	PGD
2	REVISED PER CITY COMMENTS	2/2/07	PGD

TENTATIVE MAP
A ONE LOT PARCEL FOR CONDOMINIUM
PURPOSES
CALIFORNIA

SHEET
1
OF 1 SHEETS